

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

IN RE

DAVID QUINN

DEBTOR

CHAPTER 13

CASE NO. 19-14070-cgm

CHIEF JUDGE: Cecelia G. Morris

MOTION DATE: MARCH 26, 2020

MOTION TIME: 11:00 AM

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

UPON consideration of the Application of Wells Fargo Bank, N.A., (“Movant”) dated March 5, 2020, and it appearing that neither the Debtor nor the Chapter 13 Trustee nor the U.S. Trustee have opposition to the motion brought by Movant, for relief from the automatic stay, and with good cause appearing therefore, it is

ORDERED that the automatic stay, heretofore in effect pursuant to 11 U.S.C. § 362(a), is hereby vacated for cause pursuant to 11 U.S.C. § 362(d) as to Movant, its agents, assigns or successors in interest, so that Movant, its agents, assigns or successors in interest, may take any and all actions pursuant to the Note and Mortgage and applicable state law including but not limited to foreclose its mortgage on premises known as 1000 West Avenue, #1502, Miami Beach, FL 33139 without further application to this Court, and it is further

ORDERED that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

ORDERED upon the entry of the Order Granting Relief, the unpaid portion of claim number 1, filed by Movant, shall be deemed withdrawn; and it is further

ORDERED the Co-Debtor stay in effect pursuant to 11 U.S.C. § 1301(a) is hereby modified to allow Movant its successors and/or assigns to commence and/or continue with a foreclosure action and eviction proceeding with regard to the Property; and its further

ORDERED that unless specifically provided in loan documents signed by the debtor, the Movant may not collect fees, expenses or other charges associated with a current or subsequent mortgage servicer; and it is further

ORDERED that the Movant shall promptly report and turn over to the Chapter 13 Trustee any surplus monies realized by any sale of the Property.

Dated: March 30, 2020
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge